

Message Text

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ACTION L-03

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC 4028

UNCLAS PARIS 26329

E.O. 11652: N/A

TAGS: CFED, FR

SUBJECT: ASSISTANCE TO SEC

REFERENCE: STATE 235455

1. ARTICLE 378 OF FRENCH CRIMINAL CODE READS AS FOLLOWS: LES MEDECINS, CHIRURGIENS ET AUTRES OFFICIERS DE SANTE, AINSI QUE LES PHARMACIENS, LES SAGES-FEMMES ET TOUTES AUTRES PERSONNES DEPOSITAIRES, PAR ETAT OU PROFESSION OU PAR FONCTIONS TEMPORAIRES OU PERMANENTES, DES SECRETS QU'ON LEUR CONFIE, QUI, HORS LE CAS OU LA LOI LES OBLIGE OU LES AUTORISE A SE PORTER DENONCIATEURS, AURONT REVELE CES SECRETS, SERONT PUNIS D'UN EMPRISONNEMENT D'UN MOIS A SIX MOIS ET D'UNE AMENDE DE 500F A 3000F.

2. ENGLISH TRANSLATION AS PREPARED BY US ARMY JUDGE ADVOCATE DIVISION (1957) READS: ART. 378. DOCTORS, SURGEONS, AND OTHER PUBLIC HEALTH OFFICERS, AS WELL AS PHARMACISTS, MIDWIVES, AND ALL OTHER PERSONS TO WHOM BECAUSE OF THEIR PROFESSION OR THEIR TEMPORARY OR PERMANENT DUTIES, SECRETS ARE CONFIDED AND WHO, EXPECT IN CASES WHERE THE LAW REQUIRES THEM TO GIVE INFORMATION, SHALL HAVE DISCLOSED SUCH SECRETS, SHALL BE PUNISHED WITH IMPRISONMENT OF FROM ONE TO 6 MONTHS AND WITH A FINE OF FROM 500 TO 3,000 FRANCS.

3. THE FRENCH BANKERS ASSOCIATION (ASSOCIATION PROFESSIONNELLE DES BANQUES) HAS INFORMED US THAT

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BANKS FALL UNDER THE GENERAL PROVISIONS OF THE ARTICLE.

ALTHOUGH THE PENALTIES ARE NOT HEAVY, IT IS CLEAR THAT
A CRIMINAL CONDEMNATION WOULD HAVE SEVERE CONSEQUENCES
FOR A BANKER. IN ADDITION, BANKS REVEALING PROFESSIONAL
SECRETS ARE LIABLE TO CIVIL SUIT BY THOSE CONCERNED.
THE EXCEPTION APPLIES TO INFORMATION GRANTED BOTH
JUDICIAL AND FISCAL AUTHORITIES, ALTHOUGH THE LATTER
ARE LIMITED TO THE RIGHT TO EXAMINE BOOKS AND RECORDS.
RELATIVE TO THE EXTENSION OF THESE RIGHTS OF INQUIRY
TO FOREIGN JUDICIAL AUTHORITIES, WE WERE TOLD THAT THIS
WAS A MATTER OF INTERNATIONAL LAW, AND WOULD DEPEND
UPON AGREEMENT BETWEEN FRANCE AND THE STATE CONCERNED.
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